

FILED

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Clerk, U.S. District Court
District Of Montana
Great Falls

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**ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SCOTT JAMES NICHOLS,

Defendant.

CR 14 - 8 \ -BLG-SPW

INDICTMENT

**SEXUAL EXPLOITATION OF
CHILDREN (Counts 1 & 3)**
Title 18 U.S.C. § 2251(a)
(Penalty: Mandatory minimum 15 to 30
years imprisonment, \$250,000 fine, and
five years to lifetime supervised release)

**ATTEMPTED SEXUAL
EXPLOITATION OF CHILDREN
(Counts 2 & 4)**
Title 18 U.S.C. § 2251(a)
(Penalty: Mandatory minimum 15 to 30
years imprisonment, \$250,000 fine, and
five years to lifetime supervised release)

**DISTRIBUTION OF CHILD
PORNOGRAPHY (Count 5-20)**
Title 18 U.S.C. § 2252(a)(2)
(Penalty: Mandatory minimum five to 20
years imprisonment, \$250,000 fine, and
five years to lifetime supervised release)

	POSSESSION OF CHILD PORNOGRAPHY (Count 21-23) Title 18 U.S.C. § 2252A(a)(5)(B) (Penalty: Not more than 20 years imprisonment, up to \$250,000 fine, and five years to lifetime supervised release) FORFEITURE Title 18 U.S.C. § 2253(a)
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THE GRAND JURY CHARGES:

COUNT 1

That on or about January 23, 2013, in Yellowstone County, within the State and District of Montana, the defendant, SCOTT JAMES NICHOLS, did knowingly employ, use, persuade, induce, entice, and coerce a minor female, M.L., whose date of birth is XX/XX/1999, to engage in sexually explicit conduct for the purpose of producing a visual depiction of that conduct, which visual depiction was intended to be transported in interstate commerce and was transported in interstate commerce, in violation of 18 U.S.C. § 2251(a).

COUNT 2

That on or about January 13, 2013, in Yellowstone County, within the State and District of Montana, the defendant, SCOTT JAMES NICHOLS, did knowingly attempt to employ, use, persuade, induce, entice, and coerce a minor female, S.A., who he believed was 13 years old, to engage in sexually explicit conduct for the purpose of producing a visual depiction of that conduct, which visual depiction was intended to be transported in interstate commerce and was transported in interstate commerce, in violation of 18 U.S.C. § 2251(a).

COUNT 3

That on or about February 14, 2013, in Yellowstone County, within the State and District of Montana, the defendant, SCOTT JAMES NICHOLS, did knowingly employ, use, persuade, induce, entice, and coerce a minor female, E.G., whose date of birth was XX/XX/1998, to engage in sexually explicit conduct for the purpose of producing a visual depiction of that conduct, which visual depiction was intended to be transported in interstate commerce and was transported in interstate commerce, in violation of 18 U.S.C. § 2251(a).

COUNT 4

That on or about December 16, 2012, in Yellowstone County, within the State and District of Montana, the defendant, SCOTT JAMES NICHOLS, did knowingly attempt to employ, use, persuade, induce, entice, and coerce a minor female, M.C., who he believed was 14 years old, to engage in sexually explicit conduct for the purpose of producing a visual depiction of that conduct, which visual depiction was intended to be transported in interstate commerce and was transported in interstate commerce, in violation of 18 U.S.C. § 2251(a).

COUNT 5

That on or about April 21, 2013 at 12:48 p.m., in Yellowstone County, within the State and District of Montana, the defendant SCOTT JAMES NICHOLS, knowingly distributed any visual depiction that had been shipped in and affecting interstate and foreign commerce, by any means including by computer, and the production of such visual depiction involved the use of a minor

engaging in sexually explicit conduct and the visual depiction is of such conduct, in violation of 18 U.S.C. §§ 2252(a)(2) and (b)(1).

COUNT 6

That on or about April 21, 2013, at 5:39 a.m., in Yellowstone County, within the State and District of Montana, the defendant SCOTT JAMES NICHOLS, knowingly distributed any visual depiction that had been shipped in and affecting interstate and foreign commerce, by any means including by computer, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct, in violation of 18 U.S.C. §§ 2252(a)(2) and (b)(1).

COUNT 7

That on or about May 3, 2013, at 9:22 a.m., in Yellowstone County, within the State and District of Montana, the defendant SCOTT JAMES NICHOLS, knowingly distributed any visual depiction that had been shipped in and affecting interstate and foreign commerce, by any means including by computer, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct, in violation of 18 U.S.C. §§ 2252(a)(2) and (b)(1).

COUNT 8

That on or about April 11, 2013, at 10:09 a.m., in Yellowstone County, within the State and District of Montana, the defendant SCOTT JAMES NICHOLS, knowingly distributed any visual depiction that had been shipped in

and affecting interstate and foreign commerce, by any means including by computer, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct, in violation of 18 U.S.C. §§ 2252(a)(2) and (b)(1).

COUNT 9

That on or about April 7, 2013, at 12:19 p.m., in Yellowstone County, within the State and District of Montana, the defendant SCOTT JAMES NICHOLS, knowingly distributed any visual depiction that had been shipped in and affecting interstate and foreign commerce, by any means including by computer, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct, in violation of 18 U.S.C. §§ 2252(a)(2) and (b)(1).

COUNT 10

That on or about April 7, 2013, at 11:46 a.m., in Yellowstone County, within the State and District of Montana, the defendant SCOTT JAMES NICHOLS, knowingly distributed any visual depiction that had been shipped in and affecting interstate and foreign commerce, by any means including by computer, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct, in violation of 18 U.S.C. §§ 2252(a)(2) and (b)(1).

COUNT 11

That on or about April 7, 2013, at 11:30 a.m., in Yellowstone County, within the State and District of Montana, the defendant SCOTT JAMES NICHOLS, knowingly distributed any visual depiction that had been shipped in and affecting interstate and foreign commerce, by any means including by computer, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct, in violation of 18 U.S.C. §§ 2252(a)(2) and (b)(1).

COUNT 12

That on or about March 26, 2013, at 3:36 p.m., in Yellowstone County, within the State and District of Montana, the defendant SCOTT JAMES NICHOLS, knowingly distributed any visual depiction that had been shipped in and affecting interstate and foreign commerce, by any means including by computer, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct, in violation of 18 U.S.C. §§ 2252(a)(2) and (b)(1).

COUNT 13

That on or about March 21, 2013, at 4:54 p.m., in Yellowstone County, within the State and District of Montana, the defendant SCOTT JAMES NICHOLS, knowingly distributed any visual depiction that had been shipped in and affecting interstate and foreign commerce, by any means including by computer, and the production of such visual depiction involved the use of a minor

engaging in sexually explicit conduct and the visual depiction is of such conduct, in violation of 18 U.S.C. §§ 2252(a)(2) and (b)(1).

COUNT 14

That on or about March 21, 2013, at 4:27 p.m., in Yellowstone County, within the State and District of Montana, the defendant SCOTT JAMES NICHOLS, knowingly distributed any visual depiction that had been shipped in and affecting interstate and foreign commerce, by any means including by computer, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct, in violation of 18 U.S.C. §§ 2252(a)(2) and (b)(1).

COUNT 15

That on or about March 21, 2013, at 3:59 p.m., in Yellowstone County, within the State and District of Montana, the defendant SCOTT JAMES NICHOLS, knowingly distributed any visual depiction that had been shipped in and affecting interstate and foreign commerce, by any means including by computer, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct, in violation of 18 U.S.C. §§ 2252(a)(2) and (b)(1).

COUNT 16

That on or about March 21, 2013, at 3:18 p.m., in Yellowstone County, within the State and District of Montana, the defendant SCOTT JAMES NICHOLS, knowingly distributed any visual depiction that had been shipped in

and affecting interstate and foreign commerce, by any means including by computer, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct, in violation of 18 U.S.C. §§ 2252(a)(2) and (b)(1).

COUNT 17

That on or about March 21, 2013, at 2:33 p.m., in Yellowstone County, within the State and District of Montana, the defendant SCOTT JAMES NICHOLS, knowingly distributed any visual depiction that had been shipped in and affecting interstate and foreign commerce, by any means including by computer, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct, in violation of 18 U.S.C. §§ 2252(a)(2) and (b)(1).

COUNT 18

That on or about March 19, 2013, at 5:22 p.m., in Yellowstone County, within the State and District of Montana, the defendant SCOTT JAMES NICHOLS, knowingly distributed any visual depiction that had been shipped in and affecting interstate and foreign commerce, by any means including by computer, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct, in violation of 18 U.S.C. §§ 2252(a)(2) and (b)(1).

COUNT 19

That on or about March 19, 2013, at 4:37 p.m., in Yellowstone County, within the State and District of Montana, the defendant SCOTT JAMES NICHOLS, knowingly distributed any visual depiction that had been shipped in and affecting interstate and foreign commerce, by any means including by computer, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct, in violation of 18 U.S.C. §§ 2252(a)(2) and (b)(1).

COUNT 20

That on or about December 6, 2012, at 2:48 p.m., in Yellowstone County, within the State and District of Montana, the defendant SCOTT JAMES NICHOLS, knowingly distributed any visual depiction that had been shipped in and affecting interstate and foreign commerce, by any means including by computer, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct, in violation of 18 U.S.C. §§ 2252(a)(2) and (b)(1).

COUNT 21

That on or about and between January 1, 2013 and May 15, 2013, in Yellowstone County, within the State and District of Montana, the Defendant, SCOTT JAMES NICHOLS, knowingly possessed a Dell Inspiron computer with a disk that contained images of minors, some of whom had not attained the age of 12, engaging in sexually explicit conduct, knowing that such images had been

transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, and that such images were produced using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer, in violation of 18 U.S.C. § 2252A(a)(5)(B).

COUNT 22

That on or about May 15, 2013, in Yellowstone County, within the State and District of Montana, the Defendant, SCOTT JAMES NICHOLS, knowingly possessed an Acer Aspire 3620 computer with a disk that contained images of minors, some of whom had not attained the age of 12, engaging in sexually explicit conduct, knowing that such images had been transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, and that such images were produced using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer, in violation of 18 U.S.C. § 2252A(a)(5)(B).

COUNT 23

That on or about and between January 1, 2013 and May 15, 2013, in Yellowstone County, within the State and District of Montana, the Defendant, SCOTT JAMES NICHOLS, knowingly possessed an Acer Aspire One computer with a disk that contained images of minors engaging in sexually explicit conduct, knowing that such images had been transported using any means or facility of

interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, and that such images were produced using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer, in violation of 18 U.S.C. § 2252A(a)(5)(B).

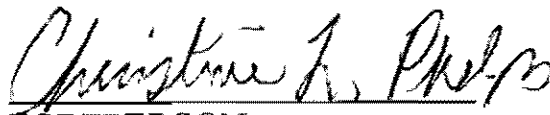
FORFEITURE ALLEGATION

As a result of the commission of the crime described above, and upon his conviction, SCOTT JAMES NICHOLS shall forfeit to the United States, all right, title and interest in the following described property that represents property used to commit the offense:

Dell Inspiron Serial # BBL1XM1
Nichol's Samsung Galaxy SIII, CELL PHONE
Acer Aspire 3620 Serial # LXAA60518461405CEF2000
Acer Aspire One Serial # LUSCL0D0010211C1C91601

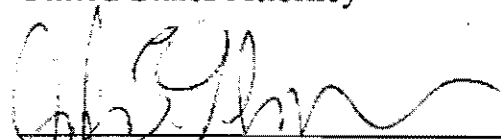
pursuant to 18 U.S.C. § 2253(a).

A TRUE BILL.


FOREPERSON



MICHAEL W. COTTER
United States Attorney



JOSEPH E. THAGGARD
Criminal Chief Assistant U.S. Attorney

Crim. Summons _____
Warrant: ☒ _____
Bail: _____